IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL, 2007 / 13TH CHAITHRA, 1930

WP(C).No. 11568 of 2007(B)

PETITIONER:

UMESH KUMAR,S/O.GOPINATHAN,GIRISH BHAVAN
MANIYAR P.O,PUNALUR - 691 325.
(formerly working as Sales Assistant)

BY ADV. SRI.T.K.KURIKESU

RESPONDENTS:
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1. KERALA STATE REPRESENTED BY ITS CHIEF SECRETARY,SECRETARIAT BUILDING,THIRUVANANTHAPURAM.

2. MANAGING DIRECTOR,HEAD OFFICE, TRIVENI DEPARTMENTAL STORE,GANDHI NAGAR, COCHIN,ERNAKULAM.

3. THE REGIONAL MANAGER,TRIVENI DEPARTMENTAL STORE,STATUE JUNCTION, THIRUVANANTHAPURAM.

4. MANAGER,KERALA STATE CO-OPERATIVE CONSUMERS' FEDERATION,TRIVENI SUPER MARKET, EAST H.S ROAD,ANCHAL P.O.

5. BYJU, SALES ASSISTANT, CONSUMER FEDERATION TRIVENI SUPER MARKET,EAST H.S. ROAD,ANCHAL P.O, PUNALUR.

6. REJINI,SALES ASSISTANT, CONSUMER FEDERATION,TRIVENI SUPER MARKET,EAST H.S. ROAD, ANCHAL P.O, PUNALUR.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 11568 OF 2007 - B

Dated this the 3rd day of April, 2007

J U D G M E N T

The petitioner claims that he is working as Sales Assistant in the Kerala State Co-operative Consumers' Federation. The petitioner complains that he has been illegally retrenched from service under Section 25-F of the Industrial Disputes Act. The question as to whether the petitioner's retrenchment is legal or illegal has to be decided on the basis of the evidence which cannot be taken in proceedings under Article 226 of the Constitution of India. Therefore, the petitioner has to appropriately raise an industrial dispute under the Industrial Disputes Act. Without prejudice to such right, the writ petition is dismissed.

Sd/-

S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007